

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Kansas City District
200500827

REGULATORY PROJECT MANAGER:

Stephen H. Penaluna

Date: 25 Feb 2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)
At the project site

Date: 25 Feb 2005
(Y/N) Date:

PROJECT LOCATION INFORMATION:

State:

Kansas

County:

Stanton

Center coordinates of site by latitude & longitudinal coordinates:

Lat. - 37.42944/ Long. - -101.7625

Approximate size of site/property (including uplands & in acres):

0.20-acres

Name of waterway or watershed:

Dry Lake Drainage/ Sand Arroyo

Creek (11040004).

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream	0.2							393.7	
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary

Or

Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

1. The subject tributary flows northeasterly into Dry Lake, a playa lake that has no outflow, and does not fall within the Sand Arroyo Creek floodplain.

2. The subject intermittent drainage has a defined start and stop point as reflected by the topographical maps. The downstream end of the isolated drainage is located at Lat. 37.42944 /Long. -101.75746. The upstream extent of the drainage is at Lat. 37.37662 /Long. -101.99109. Prevailing soils at the project site and throughout most of drainage is Richfield Silt Loam (Rm), a deep, dark, and well drained soil (non-hydric)..

3. Based on the foregoing, the drainage has been determined to be isolated, and outside Section 404 jurisdiction.